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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,234	08/09/2001	Yoshiyasu Kubota	SONYJP 3.0-196	3653
530	7590	03/10/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			ZHEN, LI B	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,234

Applicant(s)

KUBOTA, YOSHIYASU

Examiner

Li B. Zhen

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 10 – 18 are pending in the application.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 10 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,138,178 to Watanabe [cited in the previous office action] in view of U.S. Patent No. 6,832,379 to Zeryck et al. [hereinafter Zeryck].**

5. As to claim 10, Watanabe teaches the invention substantially as claimed including an electronic device [Device 20 Fig. 1] adapted be detachably mounted equipment [Device controller 10, Fig. 1] exchanging optional data with the equipment and executing optional functions [col. 1, lines 28-33], the electronic device comprising:

a data memory [EEPROM 24 Fig. 1];

software stored in the data memory unit [col. 2, lines 7-8]; and

an output unit operable to output said software data from said data memory unit to the main equipment [Communication Control 21 and 11 Fig. 1, col. 2, lines 14-17, col. 6, lines 55-60].

6. Although Watanabe teaches the invention substantially, Watanabe does not teach software data including a plurality of portions each containing driver data for a respective one of a plurality of separately selectable functions.

However, Zeryck teaches software data including a plurality of portions each containing driver data for a respective one of a plurality of separately selectable functions [SP software utilizes layered device drivers to allow software functions to be dynamically activated or inactivated, specifically by adding or removing software drivers from a device driver stack, respectively; col. 7, lines 27 – 35], the electronic device being operable upon installation of a driver from the driver data for said selected function to execute one of said plurality of functions [col. 8, lines 43 – 57] and output one of said portions of the software data from the data memory unit to the main equipment [col. 9, lines 44 – 52].

7. It would have been obvious to a person of ordinary skill in the art at the time of the invention to apply the teaching of software data that includes a plurality of portions each containing driver data for a respective one of a plurality of separately selectable functions as taught by Zeryck to the invention of Watanabe because this enables the user to install one or more LDDs (layered device driver) and to specify the placement of each LDD relative to the other LDDs in various device driver stacks and also allows a

LDD to be dynamically inserted into or removed from a particular device driver stack [col. 3, lines 57 – 65 of Zeryck].

8. As to claim 13, Watanabe as modified teaches an electronic apparatus, comprising:

a main apparatus having a specific computer operating environment [10 Fig. 1 of Watanabe]; and

an electronic device [20 Fig. 1 of Watanabe] detachably mounted to the main apparatus for exchanging optional data with the main apparatus [col. 1, lines 28-33 of Watanabe], the electronic device including a data memory unit [24 Fig. 1 of Watanabe], and software data stored in the data memory unit [col. 2, lines 7-8 of Watanabe], the software data including a plurality of portions each containing driver data for a respective one of a plurality of separately selectable functions [SP software utilizes layered device drivers to allow software functions to be dynamically activated or inactivated, specifically by adding or removing software drivers from a device driver stack, respectively; col. 7, lines 27 – 35 of Zeryck], the electronic device being operable upon installation of a driver from the driver data for the selected function to execute one of the plurality of functions [col. 8, lines 43 – 57 of Zeryck],

the main apparatus including an identification unit operable to identify the portions stored in the data memory unit of the electronic device, and to obtain the portion corresponding to the selected function from the electronic device upon selecting

a respective one of the plurality of functions [col. 2, lines 6-17, col. 6 lines 55-60 and col. 7 lines 7-58 of Watanabe].

9. As to claim 16, Watanabe as modified teaches a main apparatus [10 Fig. 1 of Watanabe] having an electronic device detachably mounted thereto [Device 20 Fig. 1 of Watanabe], a method of obtaining driver software data to enable execution of an optional function by the electronic device [col. 1, lines 28-33 of Watanabe], the method comprising:

storing driver software data in the electronic device [col. 2, lines 7-8 of Watanabe], the driver software data including a plurality of portions, each portion enabling execution of a respective one of a plurality of separately selectable functions [SP software utilizes layered device drivers to allow software functions to be dynamically activated or inactivated, specifically by adding or removing software drivers from a device driver stack, respectively; col. 7, lines 27 – 35 of Zeryck];

identifying the portion of the software data corresponding to the selected function [col. 2, lines 6-17, col. 6 lines 55-60 and col. 7 lines 7-58 of Watanabe];

transferring the identified portion of the software data from the electronic device to the main apparatus [Communication Control 21 and 11 Fig. 1, col. 2, lines 14-17, col. 6, lines 55-60 of Watanabe]; and

installing the identified portion of the software data on the main apparatus to enable execution of the selected function [col. 8, lines 43 – 57 of Zeryck].

10. As to claims 11 and 14, Watanabe as modified teaches said software data are stored in said data memory using a file format [col. 9, lines 45 – 52 of Zeryck], and said identification unit identifies said selected one of said software data using said file format [col. 7, lines 7-42 of Watanabe].

11. As to claim 17, Watanabe as modified teaches storing the driver software data in the electronic device using a file format [col. 9, lines 45 – 52 of Zeryck], and the step of transferring transfers the identified portion of the driver software data based on the file format [Communication Control 21 and 11 Fig. 1, col. 2, lines 14-17, col. 6, lines 55-60 of Watanabe].

12. As to claims 12, 15 and 18, Watanabe as modified teaches storage addresses corresponding to keywords [a key for each LDD; col. 4, lines 4 – 22 of Zeryck] identifying the plurality of functions are stored at leaders of address spaces in the data memory unit, and the portions are stored at the storage addresses corresponding to the keywords [col. 4, lines 4 – 22 of Zeryck].

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,148,346 to Hanson teaches a data communication system for allowing communication between various devices and various operating systems.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2126

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen
Examiner
Art Unit 2126


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
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